

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Tyganda Gilmore, #13255-171,)	C/A No. 1:16-1587-JFA-SVH
)	
Petitioner,)	
)	
v.)	ORDER
)	
Mr. Joe Coakley,)	
)	
Respondent.)	
)	

The *pro se* petitioner, Tyganda Gilmore, is an inmate at the United States Penitentiary McCreary in Pine Knot, Kentucky. He brings this action pursuant to 28 U.S.C. § 2241 wherein he challenges a detainer he claims is lodged against him in Richland County, South Carolina.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that this matter should be transferred to the United States District Court for the Eastern District of Kentucky. The Magistrate Judge correctly suggests that pursuant to 28 U.S.C. § 2243, the proper party respondent is the person who has custody of the detained party. See also *Rumsfeld v. Padilla*, 542 U.S. 426 (2004). The Report sets

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and Recommendation which was entered on the docket on June 17, 2016. The petitioner filed a letter with the court noting that he sent the court certain forms and to notify the court of his new address at Pine Knot. However, the petitioner did not file specific objections to or make mention of the Report and Recommendation. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law and it is incorporated herein by reference.

Accordingly, the Clerk is authorized to transfer this action to the United States District Court for the Eastern District of Kentucky.

IT IS SO ORDERED.

July 29, 2016
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge